IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 5795 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE M.C.PATEL

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

MOTIRAM JIVANJI PATEL

Versus

STATE OF GUJ

Appearance:

MR NAGIN N GANDHI for Petitioner

MR.V.M.PANCHOLI A.P.P. for Respondent No. 1

NOTICE SERVED for Respondent No. 2

CORAM : MR.JUSTICE M.C.PATEL

Date of decision: 23/02/2001

ORAL JUDGEMENT

This is a petition under Section 482 of the Code of Criminal Procedure for quashing the order passed by

the learned Judicial Magistrate, First Class, Olpad in Criminal Case No.24 of 1993 directing police investigation under Section 156 (3) of the code. The said complaint was filed by respondent No.2 alleging that the petitioners had committed offence punishable under Sections 406, 407, 420, 422, 423, 424, 467, 468, 471, 477(A) and 482 read with Sections 114-34 of the penal Code. It appears from the complaint that the dispute arose out of transactions in diamond. Though petition was admitted interim relief was not granted and police investigation was not stayed. It is stated by learned A.P.P. that the police had submitted a report to the learned Magistrate on 7.3.1995 stating that the complainant had not produced any documentary evidence and was not cooperating in investigation. Even in the complaint only vague allegations are made and no details of the alleged transaction are given. In the circumstances there is no ground for allowing complaint to proceed further. The petition is therefore allowed and the complaint in question is quashed. Rule made absolute accordingly.

(M.C. Patel, J).

/phalguni/